

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM J. HIMES

Petitioner,

-vs-

MICHELE EBERLIN MILLER,
Warden, Belmont Correctional Institution

Respondent.

: CASE NO. 4:10 CV 2304
:
:

: ORDER ADOPTING REPORT AND
: RECOMMENDATION AND
: DISMISSING THE PETITION WITH
: PREJUDICE
:
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Proceeding pro se, plaintiff William Himes brings a habeas corpus petition, pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his convictions following a jury trial. This matter was referred to United States Magistrate Judge George J. Limbert for a Report and Recommendation (“R&R”) pursuant to Local Civil Rule 72.2. (Doc. 9). In his R&R, Magistrate Judge Limbert finds the pro se petitioner’s constitutional claims procedurally barred pursuant to the terms laid down in Maupin v. Smith, 785 F.2d 135, 138 (6th Cir. 1986). (Doc. 15). Accordingly, he recommends this Court grant the Respondent’s motion to dismiss the petition and dismiss with prejudice.

No party has objected to the Magistrate Judge’s R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court’s limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human

Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Mr. Himes' petition will be dismissed with prejudice.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE